

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

March 22, 2023

By ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

**Re: United States v. Erick Rodriguez
21 Cr. 770 (KPF)**

Dear Judge Failla:

With the consent of the Pretrial Services Agency, I write to request an extension of Mr. Erick Rodriguez's surrender date of approximately 30 days from March 30 to May 1, 2023. The additional time is requested so that Mr. Rodriguez can complete and receive payment for outstanding projects associated with his company, Sema Talent. This payment would allow him to submit the restitution owed prior to his surrender date while also providing his wife and children with a financial cushion as his wife is on postpartum leave.

As previously noted, Mr. Rodriguez and his wife run a tech and IT staffing and recruiting company, Sema Talent. Last fall, this company suffered financially as the technology sector faced massive and historic layoffs.¹ The recent collapse of the Silicon Valley Bank has only created additional financial hardship for Mr. Rodriguez and his family.² They are two months behind on rent. His wife is not able to work currently as she recovers from her recent childbirth and has begun applying for government assistance.

¹ "5 takeaways from the massive layoffs hitting Big Tech right now," NPR, available at: <https://www.npr.org/2023/01/26/1150884331/layoffs-tech-meta-microsoft-google-amazon-economy>

² "The Collapse of Silicon Valley Bank," NPR, available at: <https://www.npr.org/sections/money/2023/03/14/1163200179/the-collapse-of-silicon-valley-bank>

Fortunately, Mr. Rodriguez has two projects that will be completed in the next thirty days that will generate sufficient income to pay the remaining lump sum owed on restitution prior to his surrender³, while also providing his family with

some financial cushion before his incarceration. For background, Sema Talent provides recruiting services for its clients in two ways: first by conducting contingent searches, in which Sema only receives payment when a professional is placed in a job; and second, through retained searches, where Sema establishes a contract with a company with staffing needs to fill a certain number of hires and receives payment based on certain milestones being met. Sema had a contract with two Series B startup companies to fill certain positions. This would have been done prior to Mr. Rodriguez's surrender date on March 30, however both Series B companies banked with SVB and were affected by the collapse of the bank, delaying completion of the projects. The projects with these companies are now scheduled to be completed by April 10.

Mr. Rodriguez anticipates that once the projects are completed, he will be in a position to pay his back rent, the remaining lump sum owed in restitution, and provide his wife and three children with critical financial support prior to his imprisonment.

As previously noted, the Pretrial Services Agency, consents to this extension. The Government opposes this request and asks for an opportunity to file a letter response.

Mr. Rodriguez appreciates the Court's consideration of this request.

Respectfully submitted,

/s/
Zawadi Baharanyi
Assistant Federal Defender
212-417-8735

cc: AUSA Jane Chong.
Assistant United States Attorney

³ Mr. Rodriguez has paid \$1,000 of the \$10,000 due at entry of his judgment. His recent financial hardship coupled with the birth of his third child has delayed his ability to complete payment.

The Court grants the Government's request to file a letter in opposition to the above request, and orders such letter to be filed on or before March 27, 2023.

Dated: March 22, 2023 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE